

***Remarks***

Reconsideration of this Application is respectfully requested.

Claims 1-38 and 41-44 are pending in the application, with claims 1, 7, 15, 16, 23, 24, 29, and 30 being the independent claims. No claim amendments are sought.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 112***

Claims 1, 7, 15, 16, 24, 29, and 30 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

The Examiner, on page 5 of the Office Action, states:

There does not appear to be disclosure for the following claim limitation: "*wherein the access candidate attributes are revisable based, at least in part, on a determination indicating that access to the first level is prohibited*". The Examiner will interpret this claim limitation as the capability to modify the authentication results from the first level or the second level with a resolution entity.

Applicants respectfully disagree. The Specification, for example at paragraph [0027], clearly describes the above-noted features in such a way as to reasonably convey to one skilled in the art to which it pertains, or with which it is most nearly connected, that the inventors, at the time the application was filed, had possession of the claimed invention.

For example, paragraph [0027] of the specification recites:

Should the comparison indicate that access is prohibited without authorization, the MAC security level 104 may so inform MAC sponsor 112 and/or the access candidate 108.

In the event the access profile 116A incorrectly describes one or more attributes of the access candidate 108 and these errors were the cause of the denial of access, the MAC sponsor 112 or the access candidate 108 may correct the access profile 116A and resubmit the access profile 116A for reconsideration. If, however, the attributes of the access candidate 108 were described correctly, the MAC sponsor 112 and/or the access candidate 108 may attempt to change one or more attributes (e.g., relocate the access candidate 108) or the MAC sponsor 112/access candidate 108 may appeal for a waiver of one or more access requirements or a modification of the access requirements.

For at least these reasons, Applicants respectfully submit that claims 1, 7, 15, 16, 24, 29, and 30 comply with the written description requirement.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection, and find claims 1, 7, 15, 16, 24, 29, and 30 allowable.

***Rejections under 35 U.S.C. § 103***

**Claims 1-4, 7-10, 14, 16-19, 24-26, 29-33, 37, and 38**

Claims 1-4, 7-10, 14, 16-19, 24-26, 29-33, 37, and 38 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,003,014 to Lee et al. ("Lee") in view of U.S. Patent No. 6,978,381 to Te et al. ("Te"). Applicants respectfully traverse this rejection and the "Response to Arguments" section on pages 2-5 of the Office Action.

Independent claims 1, 7, 16, 24, 29, and 30 recite features that distinguish over the applied references. For example, independent claim 1 recites, *inter alia*, "wherein the access candidate attributes are revisable based, at least in part, on a determination indicating that access to the first level is prohibited." Independent claims 7, 16, 24, 29, and 30, recite similar distinguishing features, using their respective language.

The Examiner, on page 7 of the Office Action, appears to rely on column 9, lines 21-27 of Lee to allegedly show the above-noted distinguishing features of claims 1, 7, 16, 24, 29, and 30. Applicants respectfully disagree.

Lee discloses a "method for using a smart card to gain access through an access device upon payment of a value (V) is performed by first operatively coupling the card to the access device. The access device reads a first and a second set of data from the card, and performs a first authentication process on the first set of data. Access is permitted if the first authentication process meets a required condition. ***Access is denied otherwise.*** If access is permitted, the second set of data is stored in the access device for further processing, including a second authentication process which operates on the first and second sets of data." (Lee, Abstract, emphasis added.) Accordingly, Lee is clear that if the first authentication process does not meet a required condition, then access is denied.

Lee further clarifies that, "[i]f low level authentication step 112 fails (e.g., the cardholder had insufficient funds to cover the cost of the transaction or had an incompatible currency type, etc.), ***admission or entry is declined*** (step 114) and access device 40 may revert to a wait state to await presentation of the next card (step 102), or representation of the declined card." (Lee, col. 7, lines 30-35.) Therefore, Lee discloses a method and a system that denies access, admission, or entry, when the first (or low level) authentication process does not meet a required condition (or fails.) Thus, no additional steps are taken by Lee if the first (or low level) authentication process fails. This is in contrast to "wherein the access candidate attributes are revisable based, at least in part, on a determination indicating that access to the first level is prohibited," as recited in claim 1. Independent claims 7, 16, 24, 29, and 30, recite similar distinguishing features, using their respective language.

Further, column 9, lines 21-27 of Lee, which the Examiner relies on, is applicable when a low level authentication process is passed and a high level authentication process is not passed. Lee states that "[t]here may be instances where a card presented to access device 40 passes the low level authentication process of FIG. 3, but which for some reason does not pass the high level authentication process of FIG. 4. In this event, declined or failed transaction information is stored in data store 66 (step 149). This information is passed to clearing and authorization system 90 for subsequent resolution. For example, the cardholder or card issuing bank may be contacted to resolve the discrepancy, or the card information may be added to a bad card list to be stored in each access device 40 of a transit system." (Lee, col. 9, lines 21-27.) However, claim 1 recites, *inter alia*, "wherein the access candidate attributes are revisable based, at least in part, on a determination indicating that ***access to the first level is prohibited.***" Independent claims 7, 16, 24, 29, and 30, recite similar distinguishing features, using their respective language.

Further, the Examiner, for example on page 8 of the Office Action, states that Te allegedly teaches, which Applicants do not acquiesce to, "f): obtaining authorization for request from a resolution authority; and for g): in response to obtaining the authorization from the resolution authority ... granting the access candidate access to the second security level." However, Te is not used to disclose, nor does it teach or suggest, at least the above-noted distinguishing features of claims 1, 7, 16, 24, 29, and 30. Thus, as Te fails to cure the deficiencies of Lee as noted above, the applied references cannot be used to establish a *prima facie* case of obviousness.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection, and find claims 1, 7, 16, 24, 29, and 30 allowable over the

applied references. Also, at least based on their respective dependencies to claims 1, 7, 16, 24, and 30, claims 2-4, 8-10, 14, 17-19, 25, 26, 31-33, 37, and 38 should be found allowable over the applied references, as well as for their respective additional distinguishing features.

**Claims 5, 6, 11-13, 15, 20-23, 27, 28, 34-36, and 41-44**

Claims 5, 6, 11-13, 15, 20-23, 27, 28, 34-36, and 41-44 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lee in view of Te and further in view of U.S. Patent Application Publication No. 2004/0049687 to Orsini et al. ("Orsini"). Applicants respectfully traverse this rejection and the "Response to Arguments" section on pages 2-5 of the Office Action.

***Claim 15***

Independent claim 15 recites features that distinguish over the applied references. For example, claim 15 recites, *inter alia*:

determining, using the processing device, whether the access candidate attributes satisfy access requirements of the first security level, ***wherein the access candidate attributes are revisable based, at least in part, on a determination indicating that access to the first security level is prohibited.***

These features are neither disclosed nor suggested by the applied references. As discussed above, Lee and Te taken alone or in combination do not disclose or suggest the above-noted distinguishing features of claim 15.

Further, on page 20 of the Office Action the Examiner states that Orsini allegedly teaches, which Applicants do not acquiesce to, "b) at least a citizenship requirement and a location requirement for access to data associated with the at least one data class;" and

"c) an indication of a citizenship status of the access candidate, an indication of a current location of the access candidate, and an indication of an existence of a data access agreement with the access candidate." However, Orsini is not used to disclose, nor does it teach or suggest, at least the above-noted distinguishing features of claim 15. Thus, as Orsini fails to cure the deficiencies of Lee and Te as noted above, the applied references cannot be used to establish a prima facie case of obviousness. Therefore, claim 15 is allowable over Lee, Te, and Orsini taken alone or in combination for at least the reasons provided above.

***Claim 23***

Independent claim 23 recites features that distinguish over the applied references.

For example, claim 23 recites, *inter alia*:

a data access module configured to:  
evaluate a request for access to one or more  
portions of the electronic data using the one or more  
resources  
***identify one or more data access controllers  
corresponding to the one or more portions of the  
electronic data, and***  
forward the request for access to ***the one or more  
identified data access controllers for evaluation*** regarding  
whether to grant access to the corresponding one or more  
portions of the electronic data.

These features are neither disclosed nor suggested by the applied references. The Examiner, on page 23 of the Office Action, relies on column 8, lines 60-64 of Lee to allegedly show the above-noted distinguishing features of claim 23. Applicants respectfully disagree.

Lee, at column 8, lines 56-67, states that "[t]he high level authentication process 146 may also include, e.g., steps necessary to generate a signed message for transmission to the stored value system's clearing, authorization and settlement system. This

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information is stored in data store 66 (step 148). Upon completion of high level authentication for the current record, a transaction counter is incremented in security card 64 (step 150). A counter in access device 40 is similarly incremented (152), and the next transaction in buffer 50 is then processed. Alternatively, the counter in access device 40 may be synchronized with the counter in security card 64 after all transactions in the current batch have been processed." This section of Lee, relied on by the Examiner, merely discloses that when a high level authentication (or the second level of authentication) is completed, a transaction counter is incremented in a security card; a counter is incremented in an access device; and a next transaction in a buffer is processed. This section of Lee does not teach or suggest "identify one or more data access controllers corresponding to the one or more portions of the electronic data," as recited in claim 23.

Further, Te and Orsini are not used to teach or suggest, nor do Te and Orsini teach or suggest, at least the above-noted distinguishing features of claim 23. Thus, as Te and Orsini fail to cure the deficiencies of Lee as noted above, the applied references cannot be used to establish a *prima facie* case of obviousness. Therefore, claim 23 is allowable over Lee, Te, and Orsini taken alone or in combination for at least the reasons provided above.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection, and find claims 15 and 23 allowable over the applied references. Also, at least based on their respective dependencies to claims 1, 7, 15, 16, 24, and 30, claims 5, 6, 11-13, 20-22, 27, 28, 34-36, and 41-44 should be found allowable over the applied references, as well as for their respective additional distinguishing features.

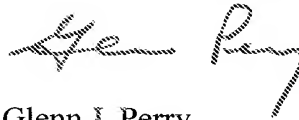
***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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